S.B. CR.MISC.BAIL APPL.NO.7197/2007.

Malkhan Singh
Vs.
State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Mohit Gupta for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he accompanied the co-accused Ram Avtar and others who snatched the tractor from the complainant. The principal allegation was made against Ram Avtar who was also identified by two of the witnesses and at whose instance recovery of the tractor was made. He was alleged to have been armed with Katta and threatened the complainant of dire consequences. Co-accused Ram Avtar has already been enlarged on bail by the order of this Court dated 7/5/2007 passed in SB Cr.Misc.Bail Appl.No.2406/2007. Learned counsel for the petitioner has argued that challan in the matter has already been filed and the petitioner is in jail since 22/1/2007. The trial of the case will take a long time and there is no previous criminal case

except the present one was ever registered against the petitioner. The detention of the petitioner is no longer required for any purpose of investigation.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Malkhan Singh S/o Anandaram shall be released on bail in F.I.R. No.110/2006 P.S. Tahla, District Alwar for offences under Sections 395, 397, 412, 415, 147, 148 and 149 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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